



# PROPOSED RULE MAKING

**CR-102 (June 2004)**

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

Agency: Department of Ecology AO#04-10

- ☒ Preproposal Statement of Inquiry was filed as WSR 04-13-125 ; or  
☐ Expedited Rule Making--Proposed notice was filed as WSR \_\_\_\_\_; or  
☐ Proposal is exempt under RCW 34.05.310(4).

- ☒ Original Notice  
☐ Supplemental Notice to WSR \_\_\_\_\_  
☐ Continuance of WSR \_\_\_\_\_

**Title of rule and other identifying information:** (Describe Subject) Update the current rule on Agricultural Burning - Chapter 173-430 WAC. This chapter establishes the requirements for burning related to agricultural activities in Washington.

**Hearing location(s):**May 23 -**Moses Lake:** Big Bend Community College, 7662 Chanute St NE, Rooms 1870 A&BMay 24 -**Spokane:** Spokane County WSU/Cooperative Extension, 222 N. HavanaMay 24 -**Wenatchee:** Wenatchee Valley Museum, 127 South MissionMay 25 -**Walla Walla:** Walla Walla Regional Airport, 310 A. Street, Blue Mountain/Mill Creek RoomsMay 30 -**Pullman:** WSU Campus, Carpenter Building, Room 102

**Date:** May 23 (Moses Lake) **Time:** 7:00pm  
May 24 (Spokane) 7:00pm  
May 24 (Wenatchee) 7:00pm  
May 25 (Walla Walla) 7:00pm  
May 30 (Pullman) 7:00pm

**Date of intended adoption:** July 26, 2006

(Note: This is NOT the effective date)

**Submit written comments to:****Name:** Melissa McEachron**Address:** Department of Ecology, Air Quality Program, P.O. Box 47600, Olympia, WA 98504-7600**e-mail:** MMCE461@ecy.wa.gov**fax:** (360)407-7534 received by June 9, 2006**Assistance for persons with disabilities:** ContactTami Dahlgren by May 12, 2006TTY (877) 833-6341 or 711 or (360) 407-6800

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:** The purpose of the proposal is to update the current Agricultural Burning Rule to: 1) incorporate legislative changes and corrections, 2) clarify technical issues and definitions, 3) integrate agreed upon concepts identified in the 9<sup>th</sup> Circuit Court of Appeals Settlement Agreement, 4) describe the procedures Ecology or a local air authority with jurisdiction will use to grant specific permission to burn, 5) specify additional permit and permit application requirements, 6) describe changes to and clarify permitting authority responsibilities and 7) further spell out the criteria Ecology or a local air authority with jurisdiction will use to delegate all or part of the agricultural burning permit program

The anticipated effect is to have an efficient and effective agricultural burning program that meets the needs of both growers and clean air advocates.

**Reasons supporting proposal:** The reasons supporting this proposal include: 1) Ecology fulfills its responsibilities under the 9<sup>th</sup> Circuit Court of Appeals Settlement Agreement and under the Administrative Procedure Act; 2) The proposal incorporates legislative changes that have been enacted since 1995; and 3) The proposal also clarifies and provides solutions to several types of technical issues associated with administering an agricultural burning permit program

**Statutory authority for adoption:** RCW 70.94.650, RCW 70.94.743, and RCW 70.94.745.**Statute being implemented:** RCW 70.94.650, RCW 70.94.743, and RCW 70.94.745.**Is rule necessary because of a:**

Federal Law?

☐ Yes ☒ No

Federal Court Decision?

☐ Yes ☒ No

State Court Decision?

☐ Yes ☒ No

If yes, CITATION:

**DATE** April 13, 2006**NAME** (type or print)

Polly Zehm

**SIGNATURE****TITLE**

Deputy Director, Department of Ecology

**CODE REVISER USE ONLY**

CODE REVISER'S OFFICE  
STATE OF WASHINGTON  
FILED

APR 18 2006

TIME 3:18 A.M.  
WSR 06-09-081 PM

(COMPLETE REVERSE SIDE)

**Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:**

N/A

**Name of proponent:** (person or organization) Department of Ecology

- ☐ Private  
☐ Public  
☒ Governmental

**Name of agency personnel responsible for:**

	Name	Office Location	Phone
Drafting.....	Melissa McEachron	Lacey	(360) 407-6860
Implementation.....	Stuart Clark	Lacey	(360) 407-6800
Enforcement.....	Stuart Clark	Lacey	(360) 407-6800

**Has a small business economic impact statement been prepared under chapter 19.85 RCW?**

☒ Yes. Attach copy of small business economic impact statement.

A copy of the statement may be obtained by contacting:

Name: Cathy Carruthers  
Address: Department of Ecology  
P.O. Box 47600  
Olympia, WA 98504-7600  
phone (360) 407-6564  
fax (360) 407-6989  
e-mail [CACA461@ecy.wa.gov](mailto:CACA461@ecy.wa.gov)

☐ No. Explain why no statement was prepared.

**Is a cost-benefit analysis required under RCW 34.05.328?**

☒ Yes A preliminary cost-benefit analysis may be obtained by contacting:

Name: Cathy Carruthers  
Address: Department of Ecology  
P.O. Box 47600  
Olympia, WA 98504-7600  
phone (360) 407-6564  
fax (360) 407-6989  
e-mail [CACA461@ecy.wa.gov](mailto:CACA461@ecy.wa.gov)

☐ No: Please explain: